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11 UNITED STATES DISTRICT COURT
12 NORTHERN DISTRICT OF CALIFORNIA
13 SAN FRANCISCO DIVISION

14 UNITED STATES OF AMERICA,) No. CR 08-00658 PJH
15 Plaintiff,) [PROPOSED] ORDER AND
16 v.) STIPULATION EXCLUDING TIME
17 ROBERT ERIC ELLIS and MILLARD) FROM APRIL 8, 2009, TO MAY 13, 2009,
CHAMBERS,) FROM THE SPEEDY TRIAL ACT
18 Defendants.) CALCULATION (18 U.S.C. §
19) 3161(h)(7)(A))

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21 On April 8, 2009, the parties appeared before the Court for a hearing on motions and
22 further status. At that appearance, defendants Ellis and Chambers were represented by substitute
23 counsel as both of their attorneys were in trial in other courtrooms. The substitute attorneys
24 represented that counsel for Ellis and Chambers anticipated being in trial through early May and
25 at least mid-June, respectively, and requested a continuance of the hearing so that counsel could
26 be present and could have time to consult with their clients regarding the progress of the case
27 before the next hearing. Substitute counsel for defendant Ellis requested a date in May for
28 change of plea, and substitute counsel for defendant Chambers requested a date in June for

1 change of plea or trial setting. The Court set both matters for May 13, 2009, ordering Ellis to
2 appear at 2:30 p.m. for change of plea and Chambers to appear at 1:30 p.m. for a status
3 conference.

4 With the agreement of the parties, and with the consent of the defendants, the Court
5 enters this order documenting the exclusion of time under the Speedy Trial Act from April 8,
6 2009, through May 13, 2009, for continuity of defense counsel, under 18 U.S.C. § 3161(h)(7)(A).

7 The parties agree, and the Court finds and holds, as follows:

8 1. Defendant Ellis is out of custody. Defendants Chambers is in custody.

9 2. The defendants agree to an exclusion of time under the Speedy Trial Act from April 9,
10 2009, through May 13, 2009, based upon the unavailability of defense counsel during this time
11 period.

12 3. Counsel for the defendants believe that the exclusion of time is in their clients' best
13 interest.

14 4. Given these circumstances, the Court finds that the ends of justice served by excluding
15 the period from April 9, 2009, through May 13, 2009, outweigh the best interest of the public
16 and the defendants in a speedy trial. 18 U.S.C. § 3161(h)(7)(A).

17 5. Accordingly, and with the consent of the defendants, the Court orders that (1) an
18 appearance shall be set for defendant Chambers on May 13, at 1:30 p.m., before the Honorable
19 Phyllis J. Hamilton for further status; (2) an appearance shall be set for defendant Ellis on May
20 13, at 2:30 p.m., before the Honorable Phyllis J. Hamilton for change of plea, and (3) the

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1 period from April 8, 2009, through May 13, 2009, shall be excluded from Speedy Trial Act
2 calculations under 18 U.S.C. §3161 (h)(7)(A).

3 STIPULATED:

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5 DATED: 4/9/09

6 _____ /s/
7 DOUGLAS RAPPAPORT
8 Attorney for Defendant Chambers

9 DATED: 4/9/09

10 _____ /s/
11 DARRYL STALLWORTH
12 Attorney for Defendant Ellis

13 DATED: 4/9/09

14 _____ /s/
15 KIRSTIN M. AULT
16 Assistant United States Attorney

17 IT IS SO ORDERED.

18 DATED: _____

19 _____ PHYLLIS J. HAMILTON
20 United States District Judge

1 period from April 8, 2009, through May 13, 2009, shall be excluded from Speedy Trial Act
2 calculations under 18 U.S.C. §3161 (h)(7)(A).

3 STIPULATED:

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5 DATED: 4.9.09



DOUGLAS RAPPAPORT
Attorney for Defendant Chambers

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7 DATED: _____

DARRYL STALLWORTH
Attorney for Defendant Ellis

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9 DATED: _____

KIRSTIN M. AULT
Assistant United States Attorney

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12 IT IS SO ORDERED.

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14 DATED: _____

15 PHYLLIS J. HAMILTON
United States District Judge

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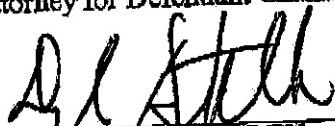
STIPULATION RE: SPEEDY TRIAL ACT
CR 08-00658 PJH

1 period from April 8, 2009, through May 13, 2009, shall be excluded from Speedy Trial Act
2 calculations under 18 U.S.C. §3161 (h)(7)(A).

3 STIPULATED:

4 DATED: _____

5 DOUGLAS RAPPAPORT
6 Attorney for Defendant Chambers



7 DATED: 4/9/09

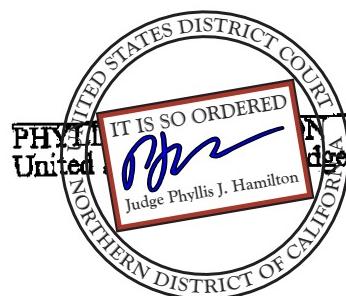
8 DARELL STALLWORTH
9 Attorney for Defendant Ellis

10 DATED: _____

11 KIRSTIN M. AULT
12 Assistant United States Attorney

13 IT IS SO ORDERED.

14 DATED: 4/13/09



20 STIPULATION RE: SPEEDY TRIAL ACT
21 CR 08-00658 PJH

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